

Planning and Zoning Commission Regular Meeting

Minutes

May 3, 2006

1. CALL SESSION TO ORDER

The May 3, 2006 Regular called meeting of the Planning and Zoning Commission was held in the Council Chambers of the City Hall of Round Rock located at 221 East Main Street. With a quorum present, Chairman Al Kosik called the meeting to order at 7:07 p.m.

2. ROLL CALL

Present for roll call were Chairman Al Kosik, Commissioners Sandy Arnold, Dale Austin, Russ Boles, Betty Weeks, David Pavliska, Larry Quick, and Ray Thibodaux. Vice Chairman Peter Drapes was absent from the meeting. Staff included Jim Stendebach, Planning Director; Bernadette Hayes, Senior Planner; Shannon Burke, Senior Planner; Lee Heckman, Planner; Eric Langhout, Public Works, Engineering and Development Services; David Buzzell, PARD; Charlie Crossfield, Sheets & Crossfield; and Diane Buck, Planner Tech.

3. APPROVAL OF THE MARCH 29, 2006 REGULAR MEETING MINUTES

Motion: Motion by Commissioner Boles, second by Commissioner Quick to approve the March 29, 2006 Regular Meeting minutes.

Vote: AYE: Commissioner Thibodaux, Commissioner Pavliska, Commissioner Austin, Commissioner Boles, Commissioner Weeks, Commissioner Quick, Commissioner Arnold, and Chairman Kosik. The vote was 8-0.

4. TABLED ITEMS NOT REQUIRING A PUBLIC HEARING

The respective applicants had requested the following items be tabled until the June 7, 2006 meeting:

- 4.A. Consider the Final Plat of CR122 at Paloma Lake, application no. 2006-014-FP.
- 4.B. Consider the Final Plat of Paloma Lake Section 17A, application no. 2006-015-FP.
- 4.C. Consider the Final Plat of Paloma Lake Section 17B, application no. 2006-016-FP.
- 4.D. Consider the Final Plat of Paloma Lake Section 18, application no. 2006-017-FP.
- 4.E. Consider the Final Plat of Bahrami Estates, application no. 2006-018-FP.
- 4.F. Consider the Final Plat of Autozone at Warner Ranch, application no. 2006-020-FP.

Motion: Motion by Commissioner Pavliska, second by Commissioner Weeks to table the listed items.

Vote: AYE: Commissioner Thibodaux, Commissioner Pavliska, Commissioner Austin, Commissioner Boles, Commissioner Weeks, Commissioner Quick, Commissioner Arnold, and Chairman Kosik. The vote was 8-0. The motion carried.

5. TABLED ITEMS REQUIRING A PUBLIC HEARING

The respective applicants had requested the following items be tabled until the June 7, 2006 meeting.

5.A. Consider the public testimony regarding the application filed by C.H. Crossley, Sr., C.H. Crossley, Jr., Patsy Crossley, and Calvin & Peggy Moerbe, to zone 41.505 acres and 3.409 acres of land out of the P.A. Holder Survey, Abstract No. 297, situated in Williamson County, Texas, to SF-2 (Single Family – Standard Lot) and C-2 (Local Commercial) respectively, application no. 2006-005-Z.

Chairman Kosik opened the public hearing and asked anyone wishing to speak for or against this item to come forward. Seeing none, the public hearing was closed. Chairman Kosik noting the developer's request to table this item, he asked if there was a motion to continue the public hearing until the next meeting.

Motion: Motion to continue the public hearing at the next meeting by Commissioner Pavliska, second by Commissioner Austin.

Vote: AYE: Commissioner Thibodaux, Commissioner Pavliska, Commissioner Austin, Commissioner Boles, Commissioner Weeks, Commissioner Quick, Commissioner Arnold, and Chairman Kosik. The vote was 8-0. The motion carried.

5.B. Consider a recommendation to approve the zoning of 41.505 acres and 3.409 acres to SF-2 (Single Family – Standard Lot) and C-2 (Local Commercial) respectively, application no. 2006-005-Z.

Chairman Kosik noting the developer's request to table this item, he asked if there was a motion to table this item until the next meeting.

Motion: Motion to table the item to the next meeting by Commissioner Quick, second by Commissioner Thibodaux.

Vote: AYE: Commissioner Thibodaux, Commissioner Pavliska, Commissioner Austin, Commissioner Boles, Commissioner Weeks, Commissioner Quick, Commissioner Arnold, and Chairman Kosik. The vote was 8-0. The motion carried.

5.C Consider public testimony regarding the application filed for the approval of the Preserve at Dyer Creek (Formerly known as the Preserve at Forest Creek) Concept Plan, application no. 2006-001-CP.

Chairman Kosik opened the public hearing and asked anyone wishing to speak for or against this item to come forward. Seeing none, the public hearing was closed. Chairman Kosik noting the developer's request to table this item, he asked if there was a motion to continue the public hearing until the next meeting.

Motion: Motion to continue the public hearing at the next meeting by Commissioner Austin, second by Commissioner Thibodaux.

Vote: AYE: Commissioner Thibodaux, Commissioner Pavliska, Commissioner Austin, Commissioner Boles, Commissioner Weeks, Commissioner Quick, Commissioner Arnold, and Chairman Kosik. The vote was 8-0. The motion carried.

5.D. Consider a recommendation to approve the Preserve at Dyer Creek Concept Plan, application no. 2006-001-CP.

Chairman Kosik noting the developer's request to table this item, he asked if there was a motion to table this item until the next meeting.

Motion: Motion to table the item to the next meeting by Commissioner Pavliska, second by Commissioner Weeks.

Vote: AYE: Commissioner Thibodaux, Commissioner Pavliska, Commissioner Austin, Commissioner Boles, Commissioner Weeks, Commissioner Quick, Commissioner Arnold, and Chairman Kosik. The vote was 8-0. The motion carried.

5.E. Consider public testimony regarding the application filed by Corridor Realty Corp., to replat 6.910 acres described as Lot 4A of the Replat of Lot 4, Corridor Park I Subdivision, application no. 2006-021-FP.

Chairman Kosik opened the public hearing and asked anyone wishing to speak for or against this item to come forward. Seeing none, the public hearing was closed. Chairman Kosik noting the developer's request to table this item, he asked if there was a motion to continue the public hearing until the next meeting.

Motion: Motion to continue the public hearing at the next meeting by Commissioner Boles, second by Commissioner Quick.

Vote: AYE: Commissioner Thibodaux, Commissioner Pavliska, Commissioner Austin, Commissioner Boles, Commissioner Weeks, Commissioner Quick, Commissioner Arnold, and Chairman Kosik. The vote was 8-0. The motion carried.

5.F. Consider a recommendation to approve the replatting of Lot 4A of the Replat of Lot 4, Corridor Park I Subdivision, application no. 2006-021-FP.

Chairman Kosik noting the developer's request to table this item, he asked if there was a motion to table this item until the next meeting.

Motion: Motion to table the item to the next meeting by Commissioner Arnold, second by Commissioner Boles.

Vote: AYE: Commissioner Thibodaux, Commissioner Pavliska, Commissioner Austin, Commissioner Boles, Commissioner Weeks, Commissioner Quick, Commissioner Arnold, and Chairman Kosik. The vote was 8-0. The motion carried.

6. PLATS

6.A. Consider the Revised Preliminary Plat of Central Baptist Church, app. no. 2006-003-PP.

Ms. Hayes outlined the proposed changes for this plat. Following a discussion, Ms. Hayes stated the revised preliminary plat was recommended for approval with the following two (2) conditions: 1.) Correct the acreage calculation for Lot 1B from 4.28 acres to 3.92 acres and correct the lot number count in the information block from 2 to 4. 2.) Note 4 will be revised.

Motion: Motion by Commissioner Quick, second by Commissioner Austin to approve this item with two (2) conditions.

Vote: AYE: Commissioner Thibodaux, Commissioner Pavliska, Commissioner Austin, Commissioner Boles, Commissioner Weeks, Commissioner Quick, Commissioner Arnold, and Chairman Kosik. The vote was 8-0. The motion carried.

6.B. Consider the Final Plat of Central Baptist Church, Lot 1A & 1B, Blk. A, app. no. 2006-026-FP.

Ms. Hayes explained the condition was removed, now that the preliminary plat was approved. Staff recommended approval for the final plat.

Motion: Motion by Commissioner Pavliska, second by Commissioner Weeks to approve this item.

Vote: AYE: Commissioner Thibodaux, Commissioner Pavliska, Commissioner Austin, Commissioner Boles, Commissioner Weeks, Commissioner Quick, Commissioner Arnold, and Chairman Kosik. The vote was 8-0. The motion carried.

6.C. Consider the Final Plat of Settlers Overlook North, application no. 2006-025-FP.

Ms. Hayes outlined the proposed final plat. Following a discussion, Ms. Hayes stated staff recommended approval of the final plat with the following conditions: 1.) Floodplain call indicates “proposed”. Depict current ultimate 100 year floodplain on the plat. 2.) Revise note # 4 by adding “dedicated” in the appropriate place in the second sentence of the note. 3.) Remove the “shall be” – it is repeated in note # 5.

Motion: Motion by Commissioner Pavliska, second by Commissioner Austin to approve this item with three (3) conditions.

Vote: AYE: Commissioner Thibodaux, Commissioner Pavliska, Commissioner Austin, Commissioner Boles, Commissioner Weeks, Commissioner Quick, Commissioner Arnold, and Chairman Kosik. The vote was 8-0. The motion carried.

6.D. Consider the Final Plat of Mayfield Ranch Enclave, Phase I, application no. 2006-024-FP.

Mr. Heckman outlined the proposed final plat. Following a discussion he noted the one (1) condition had been met since the printing of the agenda and stated staff recommended approval of the final plat.

Motion: Motion by Commissioner Boles, second by Commissioner Weeks to approve this item.

Vote: AYE: Commissioner Thibodaux, Commissioner Pavliska, Commissioner Austin, Commissioner Boles, Commissioner Weeks, Commissioner Quick, Commissioner Arnold, and Chairman Kosik. The vote was 8-0. The motion carried.

6.E. Consider the Amended Final Plat of Highland Estates Section II-A, Lots 1 & 2, application no. 2006-023-FP.

Mr. Heckman outlined the amended final plat. Following a discussion he noted all conditions had been met and staff recommended approval of the amended final plat.

Motion: Motion by Commissioner Quick, second by Commissioner Boles to approve this item.

Vote: AYE: Commissioner Thibodaux, Commissioner Pavliska, Commissioner Austin, Commissioner Boles, Commissioner Weeks, Commissioner Quick, Commissioner Arnold, and Chairman Kosik. The vote was 8-0. The motion carried.

7. ZONING AND PLATTING: PUBLIC HEARING/DISPOSITION

7.A. Consider public testimony regarding the application filed by Alvis Glyn Kennedy, to replat 1.120 acres described as Lot 3, of the Re-Plat of Lot 1, Block A, Mesa Ridge Section 14 Subdivision, application no. 2006-027-FP.

Ms. Hayes outlined the proposed changes and noted staff recommended approval. Chairman Kosik stated this was a public hearing and asked anyone wishing to speak for or against this item to come forward. Seeing none, the public hearing was closed.

7.B. Consider a recommendation to approve the replatting of Lot 3, of the Re-Plat of Lot 1, Block A, Mesa Ridge Section 14 Subdivision, application no. 2006-027-FP.

Motion: Motion to approve by Commissioner Pavliska, second by Commissioner Thibodaux.

Vote: AYE: Commissioner Thibodaux, Commissioner Pavliska, Commissioner Austin, Commissioner Boles, Commissioner Weeks, Commissioner Quick, Commissioner Arnold, and Chairman Kosik. The vote was 8-0. The motion carried.

7.C. Consider public testimony regarding the application filed by Double J Investments, for the approval of the revised Sienna Hills concept plan, now known as Sienna concept plan, application no. 2005-004-CP.

Ms. Hayes and Mr. Stendebach outlined the proposed development changes and the four (4) conditions being recommended with this concept plan. Chairman Kosik opened the public hearing and asked anyone wishing to speak for or against this item to come forward.

Mr. Daniel Brett (540 CR 109, Georgetown, TX 78626) stated the following: 1.) Safety concerns with the developer's future construction around an existing Seminole gas line; 2.) Didn't want the developments fencing to turn his property into a "cell block"; and 3.) How would the proposed changes affect the current county multi-purpose zoning for his property?

Chairman Kosik noted they would include Mr. Brett's concerns in their discussion. Seeing no other speakers, the public hearing was closed.

7.D. Consider a recommendation to approve Sienna concept plan, application no. 2005-004-CP.

Mr. Stendebach and Ms. Hayes discussed the average proposed lot sizes of approximately 8500 sq. ft. is in fact larger than the standard requirement of 6500 sq. ft., this then will help with future property values, whether some street widths were ample for final build-out, construction around the Seminole gas line, fencing requirements, developers consent agreement with the county for road improvements, and added one more condition. Following the discussion, staff recommended approval of the final plat with the following conditions: 1.) Street 12 in Section 14 shall be shown as a 65 ft. collector on the preliminary plat. 2.) Add a note that states: Any trail system within the open space areas shall be built to City of Round Rock standards and shall be open for public use. 3.) The TP& L easement and the Seminole Pipeline easement shall be contained in open space lots. Note # 6 shall be expanded to include these lots. 4.) Prior to preliminary plat approval, the MUD Consent Agreement must be revised and approved by City Council reflecting the changes to the revised concept plan. 5.) Staff will review access points in Section 15 and revise plan administratively, if there are changes due to the Transportation Directors' Review.

Motion: Motion by Commissioner Boles, second by Commissioner Quick to approve this item with five (5) conditions.

Vote: AYE: Commissioner Thibodaux, Commissioner Pavliska, Commissioner Austin, Commissioner Boles, Commissioner Weeks, Commissioner Quick, Commissioner Arnold, and Chairman Kosik. The vote was 8-0. The motion carried.

7.E. Consider public testimony regarding the application filed by Grae Round Rock, Ltd., to zone 17.67 acres of land out of the Memucan Hunt Survey, Williamson County, Texas, to C-1 (General Commercial), application no. 2006-009-Z.

Noting that staff had recommended item 7.F. be withdrawn until the associated plat application is revised, Chairman Kosik opened the public hearing and asked anyone wishing to speak for or against this item to come forward. Seeing none, the public hearing was closed.

7.F. Consider a recommendation to approve the zoning of 17.67 acres to C-1 (General Commercial), application no. 2006-009-Z.

Item withdrawn until associated plat application is revised.

7.G. Consider public testimony regarding the application filed by Grae Round Rock, Ltd., to replat 17.67 acres described as Lots 1 through 4, of the Henderson Tract Subdivision, application no. 2006-011-FP.

Noting that the applicant had requested item 7.H. be withdrawn, Chairman Kosik opened the public hearing and asked anyone wishing to speak for or against this item to come forward. Seeing none, the public hearing was closed.

7.H. Consider a recommendation to approve the replatting of Lots 1 through 4, of the Henderson Tract Subdivision, application no. 2006-011-FP.

Item withdrawn at applicant's request.

7.I. Consider public testimony regarding the application filed by Jeffrey Way, Ltd., to rezone 5.548 acres described as Lot 1, DKRC Subdivision, from LI (Light Industrial) to C-1a (General Commercial - Limited), application no. 2006-010-ZC.

Mr. Burke outlined the proposed zoning change and noted staff recommended approval. Chairman Kosik opened the public hearing and asked anyone wishing to speak for or against this item to come forward. John Moman of Moman Architects stated he supports the change and thought it was good for Round Rock. Seeing no other speakers, the public hearing was closed.

7.J. Consider a recommendation to approve the rezoning of 5.548 acres from LI (Light Industrial) to C-1a (General Commercial - Limited), application no. 2006-010-ZC.

Motion: Motion to approve by Commissioner Boles, second by Commissioner Arnold.

Vote: AYE: Commissioner Thibodaux, Commissioner Pavliska, Commissioner Austin, Commissioner Boles, Commissioner Weeks, Commissioner Quick, Commissioners Arnold, and Chairman Kosik. The vote was 8-0. The motion carried.

7.K. Consider public testimony regarding the application filed by NNP-Teravista, L.P., to zone 5.816 acres and 16.004 acres of land out of the Ephraim Evans Survey Abstract No. 212, to C-1a (General Commercial - Limited) and MF (Multifamily), respectively, application no. 2006-011-Z.

Mr. Burke outlined the proposed development zoning and noted staff recommended approval of both zoning districts as consistent with the General Plan and appropriate for this location. Chairman Kosik

opened the public hearing and asked anyone wishing to speak for or against this item to come forward. Seeing none, the public hearing was closed.

7.L. Consider a recommendation to approve the zoning of 5.816 acres and 16.004 acres, to C-1a (General Commercial - Limited) and MF (Multifamily) respectively, application no. 2006-011-Z.

Motion: Motion to approve by Commissioner Weeks, second by Commissioner Austin.

Vote: AYE: Commissioner Thibodaux, Commissioner Pavliska, Commissioner Austin, Commissioner Boles, Commissioner Weeks, Commissioner Quick, Commissioners Arnold, and Chairman Kosik. The vote was 8-0. The motion carried.

7.M. Consider public testimony regarding the application filed by NNP-Teravista, L.P., for the approval of the Teravista Section 32 Concept Plan, application no. 2006-002-CP.

Ms. Hayes outlined the proposed development and stated staff recommended approval with the following conditions: 1.) Remove the tree list and the trees reference on the plan. 2.) Provide a Block Letter reference to the plan. 3.) Prior to the preliminary plat submittal the applicant shall correct the wastewater utility servicing scenario to the satisfaction of the Chief of Public Works Operations. Chairman Kosik opened the public hearing and asked anyone wishing to speak for or against this item to come forward. Seeing none, the public hearing was closed.

7.N. Consider a recommendation to approve Teravista Section 32 Concept Plan, application no. 2006-002-CP.

Motion: Motion to approve with conditions by Commissioner Boles, second by Commissioner Pavliska.

Vote: AYE: Commissioner Thibodaux, Commissioner Pavliska, Commissioner Austin, Commissioner Boles, Commissioner Weeks, Commissioner Quick, Commissioners Arnold, and Chairman Kosik. The vote was 8-0. The motion carried.

7.O. Consider public testimony regarding the application filed by Joe and Billie Repa, David and Norma Dillard, T.J. Marshall, Saeed Moshfegh, Mahin Bahrani, and Don Carlson to rezone 2.7 acres described as Lot 12, Block 1, and Lots 1-4, Block 2, Egger's Acres, from SF-2 (Single Family – Standard Lot) to OF (Office), application no. 2006-007-ZC.

Mr. Burke reviewed the previously considered zoning request and noted that the original request was to rezone to Local Commercial. This has now been changed to Office zoning. Staff supported the Office zoning as a use that is both appropriate and compatible with the rest of the neighborhood. Chairman Kosik opened the public hearing and asked anyone wishing to speak for or against this item to come forward. Mr. Joe C. Repa (1100 Egger Ave., Round Rock, TX 78664) said he felt the Office zoning was a better and higher use than the current residential zoning. Seeing no other speakers, the public hearing was closed.

7.P. Consider a recommendation to approve the rezoning of 2.7 acres from SF-2 (Single Family – Standard Lot) to OF (Office), application no. 2006-007-ZC.

Motion: Motion to approve by Commissioner Pavliska, second by Commissioner Weeks.

Vote: AYE: Commissioner Thibodaux, Commissioner Pavliska, Commissioner Austin, Commissioner Boles, Commissioner Weeks, Commissioner Quick, Commissioners Arnold, and Chairman Kosik. The vote was 8-0. The motion carried.

7.Q. Consider public testimony concerning a proposed amendment to add an AG (Agricultural) District to Chapter 11, Zoning, City of Round Rock Code of Ordinances (1995 Edition).

Mr. Stendebach outlined the proposed new AG (Agricultural) zoning district. He reviewed some of the possible permitted and prohibited uses along with compatible uses and height restrictions. He noted there would be a provision that property of less than 10 acres be zoned SFR and property of 10 acres and more have AG zoning. Chairman Kosik opened the public hearing and asked anyone wishing to speak for or against this item to come forward. Seeing none, the public hearing was closed.

7.R. Consider a recommendation to approve a proposed amendment to add an AG (Agricultural) District to Chapter 11, Zoning, City of Round Rock Code of Ordinances (1995 Edition).

The following recommendations were offered: 1.) Modify the language in section 2.701 (d) to reflect 150 feet from any property. 2.) Modify to include similar language, “Does not exclude egg laying fowl for personal use. Not for commercial or larger number.”

Motion: Motion to approve by Commissioner Pavliska, second by Commissioner Arnold.

Vote: AYE: Commissioner Thibodaux, Commissioner Pavliska, Commissioner Austin, Commissioner Boles, Commissioner Weeks, Commissioner Quick, Commissioners Arnold, and Chairman Kosik. The vote was 8-0. The motion carried.

7.S. Consider public testimony regarding the application filed by the City of Round Rock, to zone 496 acres of land out of the P.A. Holder Survey Abstract No. 297, the P.A. Holder League Survey No. 211, the P.A. Holder League, and the Joseph Marshall Survey Abstract No. 409, situated in Williamson County, Texas, to the proposed AG (Agricultural) District, application no. 2006-001-Z.

Mr. Stendebach explained the Future Land Use Map in the General Plan designated the property for Business Park use but development would be delayed until adjacent roadway issues are resolved. In the interim, three (3) of the property owners had requested AG zoning. Chairman Kosik opened the public hearing and asked anyone wishing to speak for or against this item to come forward. Seeing none, the public hearing was closed.

7.T. Consider a recommendation to approve the zoning of 496 acres to the proposed AG (Agricultural) District, application no. 2006-001-Z.

Motion: Motion to approve by Commissioner Boles, second by Commissioner Austin.

Vote: AYE: Commissioner Thibodaux, Commissioner Pavliska, Commissioner Austin, Commissioner Boles, Commissioner Weeks, Commissioner Quick, Commissioners Arnold, and Chairman Kosik. The vote was 8-0. The motion carried.

7.U. Consider public testimony regarding the application filed by Chandler Road Properties, L.P., to rezone 29.909 acres of land out of the N.B. Anderson Survey Abstract No. 29, from C-1 (General Commercial), SF-2 (Single Family – Standard), and MF (Multifamily) to PUD 68 (Planned Unit Development) District, application no. 2005-039-ZC.

Mr. Burke outline the proposed zoning changes and noted the extra requirements in the PUD. This development will be compatible with the neighborhood and superior to what could otherwise be built under the current zoning districts. Staff recommended approval of the proposed PUD 68. The developer’s representative, Jim Knight was present and stated they had worked with the area neighborhoods on this project.

Chairman Kosik opened the public hearing and asked anyone wishing to speak for or against this item to come forward.

Chris Jenkins of 3915 Haleys Way had signed up to speak but had left the meeting.

Bobbi Dansen (1103 Water Birch) represented the Eagle Ridge HOA and was excited about the proposed development.

Seeing no other speakers, the public hearing was closed.

7.V. Consider a recommendation to approve the rezoning of 29.909 acres from C-1 (General Commercial), SF-2 (Single Family – Standard), and MF (Multifamily) to PUD 68 (Planned Unit Development) District, application no. 2005-039-ZC.

Mr. Burke and Mr. Knight answered questions from the commissioners addressing varying building heights with respect to the topography and views of the site, pedestrian trails with open spaces, and wet ponds.

Motion: Motion to approve by Commissioner Austin, second by Commissioner Weeks.

Vote: AYE: Commissioner Thibodaux, Commissioner Pavliska, Commissioner Austin, Commissioner Boles, Commissioner Weeks, Commissioner Quick, Commissioners Arnold, and Chairman Kosik. The vote was 8-0. The motion carried.

7.W. Consider public testimony regarding the application filed by 35/45 La Frontera, L.P.; Quick Hill Corners, L.P.; D/N Farms Investments, L.P.; K/DN Investments, L.P.; Koontz/McCombs 1, Ltd.; L.F. Hesters Crossing Holdings, L.P.; Baltgem Development Corporation, et al; and the La Frontera Property Owners Association, to amend PUD 39 (Planned Unit Development) District, application no. 2006-012-ZC.

Mr. Burke stated PUD 39 is the western half of the development, which extends almost to CR172. The proposed amendment includes a number of changes which will hopefully create a pedestrian-friendly and urban environment. Staff supports these changes as beneficial and appropriate improvements to the existing development standards of the PUD and recommended approval of the proposed amendment. Mr. Don Martin, one of the applicants on the PUD amendment, outlined the proposed changes.

Chairman Kosik opened the public hearing and asked anyone wishing to speak for or against this item to come forward.

Kyle Covington representing Austin Marriott North (2600 La Frontera Blvd.) was in support of the PUD amendment.

Beth Carlile (2612 Sinclair St., Round Rock, TX 78681) had signed up to speak but was not present.

Rubin R. Barrera representing Lawford Real Estate Investments, Inc. (106 S. St. Marys St., #800, San Antonio, TX 78205) stated his client owned apartments in the area and did not support the increase in multifamily units. They had not seen or had an opportunity to comments on new traffic, drainage or utility schematics. He felt the proposed amendment to the PUD agreement could not be approved without the consent of all property owners within the development. He requested the recommendation be postpone allowing the developer and staff to work out an agreement to keep the dispute out of the courts.

Mr. Martin noted they had worked very hard to obtain 100% support for this amendment and would continue to meet with the PUD area property owners.

Charlie Crossfield (City of Round Rock legal counsel) said he was familiar with the issue and was confident the commission could forward their recommendation to Council.

Rick Albers (legal counsel for La Frontera) supported the amendment.

Steve Forehand (2407 Frontier Trail, Round Rock, TX 78681) lived adjacent to Tract A and was concerned about height requirements.

Chairman Kosik suggested the developers make a presentation to the Chisholm Valley HOA.

Joe Vining representing the Round Rock Redevelopment Council noted large national organizations had made inquiries regarding developing in the area.

Seeing no other speakers, the public hearing was closed.

7.X. Consider a recommendation to approve the amendment to PUD 39 (Planned Unit Development) District, application no. 2006-012-ZC.

Staff and developers addressed commissioner concerns and offered the following conditions to page 50.13 (La Frontera West – PUD No. 39, Permitted uses and Limitations – Town Center Area, Page 1):

- Strike from Permitted Use: Hotel and Business Park. Permitted uses that remain include Office, Restaurant, General Commercial and multifamily.
- Strike note 6 since it no longer applies.
- Add a new note: The Town center area may only be developed so as to include multifamily uses combined with one or more of the permitted uses which are now only commercial, restaurant and office.
- Add: Consider other approved illumination sources.

Motion: Motion to approve with recommendations by Commissioner Boles, second by Commissioner Arnold.

Vote: AYE: Commissioner Thibodaux, Commissioner Pavliska, Commissioner Austin, Commissioner Boles, Commissioner Weeks, Commissioner Quick, Commissioners Arnold, and Chairman Kosik. The vote was 8-0. The motion carried

8. ADJOURN

There being no further discussion, the meeting adjourned at 11:41 p.m.

Respectfully Submitted,

Diane Buck

Planner Tech